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In re Patent No: 5,696,375
Issue Date: December 9, 1997
Application No. 08/560,396
Filed: November 17, 1995
Patentee: Park et al.

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OFFICE OF PETITIONS

This is a decision on the petition filed March 5, 2002, requesting reinstatement under 37 CFR 1.378(b), which is being treated as a petition under 37 CFR 1.377 (no fee) to review the apparent refusal of the USPTO to accept and record a timely maintenance fee for the above-identified patent.

The petition is granted.

The documents submitted with the petition establish that petitioner is entitled to the remedial provisions of 37 CFR 1.8(b), in that a timely payment for the above-identified patent was entrusted to the mails on September 26, 2001 with an executed certificate of mailing in compliance with 37 CFR 1.8, on that date, but the payment was apparently lost in the mails. Although the application filing date on the submission contained a typographical error, all the mandatory identifiers required by 37 CFR 1.366(c) were correctly entered, and although the check was apparently never negotiated, the concurrent authorization to charge counsel's deposit account constitutes payment within the meaning of the patent statute and the rules of practice. It is noted that, due to the events of September 11, 2001 and thereafter, mail to the USPTO has been delayed and, unfortunately, some correspondence may never be received. Nevertheless, the inconvenience is regretted. Should the check be subsequently negotiated by the USPTO, petitioner may obtain a refund from the Office of Finance at the USPTO.

The \$850 payment and \$130 surcharge due on September 26, 2001, have been accepted and processed with that date from counsel's deposit account. This decision also constitutes a notice of fee payment.

This file is being returned to the Files Repository.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-1820.

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